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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,698	09/05/2003	Eric Viscito	02CON382P-CIP	7178

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EXAMINER

WONG, ALLEN C

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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11/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/655,698

Applicant(s)

VISCITO ET AL.

Examiner

Allen Wong

Art Unit

2621

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Allen Wong
Primary Examiner
Art Unit: 2621

Continuation of 11. does NOT place the application in condition for allowance because: The 101 rejection will be withdrawn since the claims are changed to comply with current standards. However, the rejection based on Veltman is maintained since applicant's remarks are deemed to be unpersuasive. Regarding the first two paragraphs on page 10 and first full paragraph on page 11 of applicant's remarks, applicant states that Veltman fails to disclose "selecting, for said picture, a number of bits, wherein the time-equivalent of said number of bits is no greater than a difference based on said pre-decoder buffer removal time of said picture and an initial arrival time of said picture into a pre-decoder buffer". The examiner respectfully disagrees. Veltman's figure 22B discloses the time at which the first picture enters the pre-decoder buffer 42 is at time t1. The time at which the second picture enters the pre-decoder buffer 42 is at time t2. The time at which the third picture exits the pre-decoder buffer 42 at time t3. And the time at which the fourth picture exits the pre-decoder buffer 42 at time t4. Element 52 is where the time stamps of the pictures are kept track in element 52 of figure 21, then processed in element 55 for executing the decoding of pictures at video decoder 45, wherein the video input buffer size and video bit rate are used to affect the video input buffer size section 359 to select the number of bits for each picture in a sequence of pictures, as disclosed in Veltman. So, since each of the times t1, t2, t3 and t4 is different from another. In other words, the times $t1 \neq t2 \neq t3 \neq t4$ is true, and because of the aforementioned inequalities, there are time gap differences, like the time differences $t2-t1$, $t3-t2$, $t4-t3$, etc., for processing multiple pictures in a chronological manner based on schedule or time processing arrangement scheme or schedule dependent on the encoder and the corresponding time stamps assigned to each picture in a group of pictures. Veltman teaches the arrival schedule with gaps based on removal time differences. Thus, Veltman discloses selecting, for said picture, a number of bits, wherein the time-equivalent of said number of bits is no greater than a difference based on said pre-decoder buffer removal time of said picture and an initial arrival time of said picture into a pre-decoder buffer.